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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,059	03/29/2001	Srinivas Gutta	US010074	5339

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
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EXAMINER
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FISH, JAMIESON W

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/821,059

**Applicant(s)**

GUTTA ET AL.

**Examiner**

Jamieson W. Fish

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statements (IDS) have been considered by the examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **1-3, 5-7** are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler (U.S. #5,758,259)
4. Regarding claim **1**, Lawler teaches a television system comprising a display having an interactive interface for displaying a personal channel for the television viewer (See Fig. 3B and Col. 4 lines 43-64), said display being controllable by computer through a remote control to invoke a personal channel featuring selective programs for an individual television viewer (See Fig. 2, Fig. 4 and Col. 2 lines 17-34), said selective programs being programmed into said personal channel of said television system by at least one of the following techniques: through explicit information provided by the television viewer; through passive information, wherein the system observes what the television viewer is watching and automatically develops a profile (See Col. 2 lines 31-37); through collaborative filtering by observing what programs others a household of the television viewer have developed their personal channel (See Col. 9 lines 35-50);

Art Unit: 2616

and through a combination of all of the above. The USPTO considers Applicant's "at least one of" language to be anticipated by any reference containing one of the preceding corresponding elements.

5. Regarding claim 2, Lawler teaches wherein said remote control has means for scrolling about said display (See Fig. 3C, Fig. 4 directional control keypad 90 and Col. 4 lines 58-67 and Col. 5 lines 1-7).

6. Regarding claim 3, Lawler teaches wherein said remote control has means for controlling the splitting of the display (See Fig. 3C, Fig. 4 Action Button 91, Menu Button 93, and Col. 4 lines 58-67 and Col. 5 lines 1-51 Menu button or Action button activate the split display of Fig 3C).

7. Regarding claim 5, Lawler teaches a television system comprising a display having an interactive interface for displaying a personal channel for each member in a household of a television viewer (See Fig. 3B and Col. 4 lines 43-64 and Col. 7 lines 35-43), said display being controllable by a computer through a remote control to invoke said personal channels featuring selective programs for each individual television viewer (See Fig. 2, Fig. 4 and Col. 2 lines 17-34), said selective programs being programmed into said personal channel said television system by at least one of the following techniques: through explicit information provided each television viewer; and through passive information wherein the system observes what each television viewer is watching and automatically develops a profile (See Col. 2 lines 31-37). The USPTO considers Applicant's "at least one of" language to be anticipated by any reference containing one of the preceding corresponding elements.

Art Unit: 2616

8. Regarding claim 6, Lawler teaches wherein said remote control has means for scrolling about said display (See Fig. 3C, Fig. 4 directional control keypad 90 and Col. 4 lines 58-67 and Col. 5 lines 1-7).

9. Regarding claim 7, Lawler teaches wherein said remote control has means for controlling the splitting of the display (See Fig. 3C, Fig. 4 Action Button 91, Menu Button 93, and Col. 4 lines 58-67 and Col. 5 lines 1-7 Menu Button or Action button activate the split display of Fig 3C).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler.

12. Regarding claims 4 and 8, Lawler teaches wherein said remote control has means controlling various functions of the interactive station (See Fig. 3C, Fig. 4 directional control keypad 90, Action Button 91, and Col. 417-26, 58-67 and Col. 5 lines 1-7). Lawler does not specifically state that one of these functions is the recording of a television program. Official Notice is taken that an interactive station with a function to record a television program is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to equip Lawler's interactive station with a function that allowed a user to record a television

Art Unit: 2616

program, thereby giving the remote control a means for controlling the recording of a program. The motivation including a recording function in an interactive terminal is that it is desirable for the user to be able to view programs at a time after the original broadcast.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 703-305-0884. The examiner can normally be reached on 8-5.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Vu can be reached on 703-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 12/29/2004

  
NGOC-YEN VU  
PRIMARY EXAMINER